ney (1913) 164 N. C. 71, 80 S. E. 162; *Tebeau v. Ridge* (1914) 261 Mo. 547, 170 S. W. 871. As the court in the instant case found that there was collusion, the decision seems sound both on authority and reason. See L. R. A. 1917 F, 579, note.

EVIDENCE—COMPARISON OF HANDWRITING—ADMISSION OF SPECIMENS CONCEDED TO BE GENUINE FOR PURPOSES OF COMPARISON.—The plaintiff, a depositor with the defendant bank, recovered in an action for a sum of money which he alleged that the bank had paid out and charged to his account upon forged checks. The bank brought this appeal, alleging as error the admission in evidence of checks conceded to bear the genuine signature of the plaintiff. *Held,* that a paper not already in evidence, and having no connection with the issue to be tried, could not be admitted either for the purpose of comparison by the jury or to test the general accuracy of witnesses on cross-examination. *Texas State Bank v. Scott* (1920, Tex.) 225 S. W. 571.

In nearly all jurisdictions comparison by the jury of the disputed handwriting with specimens properly before them is allowed. There is, however, some conflict and confusion as to the method of getting specimens before the jury. Many jurisdictions admit for the purpose of comparison by the jury, writings irrelevant to the issue and in no way in the case upon proof to the satisfaction of the court of their genuineness. *Homer v. Wallis* (1814) 11 Mass. 308; 62 L. R. A. 866, note. Other jurisdictions admit specimens conceded to be genuine. *Cochrane v. National Elevator Co.* (1910) 20 N. D. 169, 127 N. W. 725; *Seaman v. Husband* (1917) 256 Pa. 571, 100 Atl. 941. Some courts admit no writings solely for comparison, but allow comparison by the jury of writings already in evidence. *Mississippi Lumber & Coal Co. v. Kelly* (1905) 19 S. D. 577, 104 N. W. 265, 9 Ann. Cas. 449, note. Other jurisdictions limit comparison to specimens already in evidence and admitted to be genuine. *Barnes v. United States* (1909, C. C. A. 5th) 166 Fed. 113. The objections advanced against the admission of signatures for comparison are that there may be an unfair selection of specimens, and also that there may arise a confusion of issues. The first objection is completely met by the rule limiting comparison to specimens admittedly genuine, and also by the rule requiring the specimens to be already in evidence and admitted to be genuine. This objection is of slight weight at best, for in every action the party producing the evidence selects such evidence as will be favorable to himself. See 3 Wigmore, *Evidence* (1904) sec. 1999. The second objection is obviously taken care of under any of the rules except the one allowing comparison only with those writings already in evidence, but even here it is of comparatively little weight. See Wigmore, *op. cit.,* sec. 2000. It seems, therefore, that since a writing admittedly genuine obviates the above mentioned objections, it should be admitted for comparison. A writing conceded or proved to be genuine, though otherwise irrelevant to the cause, may be admitted to test the accuracy of a handwriting witness. *McArthur v. Citizens' Bank of Norfolk* (1915, C. C. A. 4th) 223 Fed. 1004; Ann. Cas. 1917 B, 1067, note. But when the testing signature is one whose genuineness is not admitted or must be specially proved, because it is not otherwise in the case, the objections of multiplicity of issues and of unfairness of selection again arise. Owing to the dangerous nature of expert handwriting testimony and the necessity of testing it thoroughly to prevent injustice, the deprivation of this weapon for the cross-examiner is a loss so serious as to outweigh the inconveniences of its sanction. See Wigmore, *op. cit.,* sec. 2015.

EVIDENCE—REASONABLE DOUBT—CHAIN AND CABLE THEORIES.—The defendant was convicted of statutory rape and brought this appeal, assigning as error the charge of the lower court that the corroborative evidence produced by the

state must be established by a fair preponderance of the evidence, but that the jury must be satisfied of the sufficiency of the whole evidence beyond a reasonable doubt. *Held,* that this instruction was erroneous, since corroborative evidence, being a vital supplement to the body of the case, must be established separately beyond a reasonable doubt. *State v. Smith* (1920, Iowa) 180 N. W. 4.

The instant case illustrates the difficulties of the courts on the question whether the jury must be satisfied beyond a reasonable doubt as to every essential fact to be established by the state or as to the evidence as a whole only. 16 C. J. 765. Two theories have been advanced, the "chain" theory and the "cable" theory. See 2 Thompson, *Trials* (2d ed. 1912) secs. 2512-2515. The adherents of the chain theory have found great difficulty in reaching a uniform conclusion. Some courts hold that each link in the chain of evidence connecting the accused with the crime, must be proved individually beyond a reasonable doubt. *Commonwealth v. Webster* (1850, Mass.) 5 Cush. 295; *People v. Carson* (1909) 155 Calif. 164, 99 Pac. 970. Others hold that the theory applies only where each link depends on the strength of the preceding one. *State v. Young* (1900) 9 N. D. 165, 82 N. W. 420; *State v. Shines* (1899) 125 N. C. 730, 34 S. E. 552. Still others hold that though each individual link must be proved beyond a reasonable doubt, yet the facts which make up each link require only a fair preponderance of the evidence. *State v. Pack* (1920) 106 Kan. 188, 186 Pac. 742; *State v. Gallivan* (1902) 75 Conn. 326, 53 Atl. 731. The followers of the cable theory hold that the jury should be convinced beyond a reasonable doubt from the evidence as a whole, for the incriminating facts are likened to the strands of a cable, and though some of the strands break, if the cable is still strong enough, the accused should be convicted. *Pitts v. State* (1904) 140 Ala. 70, 37 So. 101; *Carr v. State* (1907) 81 Ark. 589, 99 S. W. 831. In the state in which the instant case was decided, there has been an unusual amount of litigation on this particular point, but the court seems finally to have adopted an intermediate rule, viz: when the proof of the particular crime depends on circumstantial evidence, then the chain theory is applied; otherwise the cable theory governs. *State v. Cohen* (1899) 108 Iowa, 208, 78 N. W. 857; *State v. Hossack* (1902) 116 Iowa, 194, 89 N. W. 1077. It is submitted that though the chain theory has many adherents, it is not the logical rule, for it makes each circumstance stand by itself, unable to gain strength from the other circumstances of the case. See 41 L. R. A. (N. S.) 749, note. Also the greater the number of circumstances essential to the crime, the harder it is to convict, for a long chain is weaker than a short one. It is not without reason that Wigmore says, "and herein is given opportunity for much vain argument. . . ." See 4 Wigmore, *Evidence* (1905) sec. 2497.

FUTURE INTERESTS—DEVISE TO SOLE HEIR-AT-LAW OF LIFE ESTATE WITH CONTINGENT REMAINDER BUT NO LIMITATIONS OVER—POWER OF TESTAMENTARY DISPOSITION.—The plaintiff, administrator of the estate of Anna Haley, brought this suit against the latter's executors to recover for collateral heirs, the only remaining next of kin, the share of the estate left to her by her father, in trust for her benefit during life, and upon her death to her issue. The father's will did not provide for disposition of the property in case Anna left no issue. Anna died without issue, leaving a will, purporting to dispose absolutely of a portion of the trust estate left her by her father's will. The plaintiff claimed that the will was not effective to pass the property but that it became intestate property upon Anna's death, and as such went to the testator's next of kin determined as of the time of Anna's death. *Held,* that the corpus of the trust estate vested in Anna as of the time of her father's death, subject to the contingent limitation to her issue, and her will disposing thereof was effective. *Velders v. Gaines* (1920, Sup. Ct.) 112 Misc. 226, 184 N. Y. Supp. 100.